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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,890	06/08/2001	Frank Diebolt	Q64615	7222

7590

12/14/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER
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AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/875,890	DIEBOLT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rasha S. AL-Aubaidi	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on September 22, 2005 has been entered. Claims 1-10 have been amended. No claims have been canceled. No claims have been added. Claims 1-10 are pending in this application, with claims 1 and 9 being independent.

### *Claim Rejections - 35 USC § 103*

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,230,024) in view of Mohebbi et al (US PAT # 6,925,303).

Regarding claim 1, Wang et al. discloses a method for transferring a process command (or *AT command*) from a wireless telecommunications device (i.e. *mobile station 104*) via a cellular telecommunications network (See Fig. 1, 100), which comprises a base station (See Fig. 1, 102) recognizes said wireless telecommunications device when active, to a terminal device coupled (i.e. *fax 124*) to a network (i.e. *PSTN 128*) (See Col. 3, lines 44-48), wherein at least one terminal device is located within said cellular telecommunications system through at least a computer (or *CPU 610*) (See Fig. 6, Col. 7, lines 59-64), said method comprising: generating said process command on said wireless telecommunications device for transfer (as read on "*mobile station 104 generates and transmits the AT+CFG="" signal 310...*") (See Col. 6, lines 46-57); transmitting a radio signal that communicates said process command from said wireless telecommunications device to one of said base station (See Col. 6, lines

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57-59); forwarding at least part of said process command from said base station to said computer (See Col. 7, lines 59-64); applying rules (this may read on the process following a user depression of a select button) to select a device resident in the cell controlled by said base station that received said radio signal, said terminal device (i.e. *fax 124*) located in the same cell (See Fig. 1, 100) as said wireless telecommunication (i.e. *mobile station 104*) device at the time said process command was generated; and performing at least part of said process command on said terminal device (may reads on "It is understood that this process may also work in reverse order")(See Col. 3, lines 34-48).

Wang does not specifically teach the use of two cells. Wang also does not teach the feature of "applying some rules on said computer to select said terminal".

However, Mohebbi teaches a cellular mobile communication network that comprises at least two different candidate base transceiver stations and a mobile station that receives downlink signal from the base stations (see col. 3, lines 15-20). Mohebbi specifically teaches selecting one of the candidate base transceiver station to be used to transmit the subsequent downlink signal to the mobile station (see col. 3, lines 29-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selecting a specific station

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(terminal), as taught by Mohebbi, into the Wang system in order to enhance the efficiency of the system by transmitting the information to the right destination. Also, this will add flexibility to the user by allowing him/her to choose the terminal that he/she would like to transmit the information to.

Claim 2 recites "selection of the terminal is preformed by a user of said wireless communication device". Mohebbi teaches that the selection of the candidate base transceiver station is done automatically and not by the user (manually). However, examiner takes official notice that selecting the terminal by the user is old and well known in the art. Also, a function can be preformed either automatically (by the system through a list) or manually (by the user). See *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958); the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient over prior art.

As for claim 3, the limitation specifying "activation of a print of some data accessible via said wireless telecommunications device" reads on the inverse process of send a fax from the *MS 104* to the *fax 124* (See Col. 3, lines 34-48).

As for claims 4 and 6, it is well known in the art that fax machines perform a process of printing data sent to the facsimile machine (or "transfer of telecommunications connection", thus the fax machine behaves as a printer.

As for claim 5, the Examiner takes Official Notice that systems and methods exist in the art to display a fax transmittal in a monitor.

As for claim 7, it can be seen in Figure 1 that fax 124 is characterized is at least in part a telephone (or *telephone* 132).

As for claim 8, the “programming code generating a process command to be transferred from said wireless telecommunications device to said terminal devices...” reads on the process performed by Wang’s et al. system after receiving the AT dial command. (See Col. 6, line 39 through Col. 7, line 11).

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,230,024) in view of Baker et al. (US 6,195,545).

As for claim 9, Wang et al. lacks the limitations “a network made of at least two different terminal devices” and “said processing means selecting a terminal device located in the same cell as said wireless telecommunications device at the time said process command was generated on the wireless telecommunication device.

Baker et al. teach “The binding is based on a determination of the proximity of the mobile to the other terminal, such that the mobile registers to different complex system terminals as it moves between different cells of the system. In accordance with

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the claims, a proximity-based temporary association is established, in a memory of a system switch, between the mobile and at least one other system terminal. While the mobile is "registered" in this manner to the other terminal, the mobile user can request permission to utilize the functions of the other terminal in order to, for example, receive incoming calls or place outgoing calls. Other embodiments in Baker provide proximity-based registration, which utilizes a beacon device carried by the user, such that the user automatically registers to different system terminals as he or she moves about within the system." (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Wang's et al. system as per the teachings of Baker et al. and thus in this manner provide a system capable of selecting a communications terminal based on the proximity to a mobile telephone or wireless device.

As for claim 10, the messaging system reads on the digital fax transmission taught by Wang et al.

### ***Response to Arguments***

4. Applicant's arguments filed 09/22/2005 have been fully considered but they are not persuasive.

Applicant argues that the combination of Wang et al and Mohebbi fail to teach or suggest "at least applying rules at a computer to select a terminal device resident in the cell controlled by a base station..." Examiner respectfully disagrees with applicant's argument. On one hand, Wang teaches base station, mobile station, and a fax terminal device resident within communication system 100 as shown in Fig. 1. Wang also teaches applying some rule (such as AT command, see abstract) from a personal computer in order to set up a digital fax transmission. On the other hand, Mohebbi teaches two different base transceiver stations in a cellular mobile communication network. Mohebbi also teaches selecting one of the base station to be used in transmission of the of the subsequent downlink signal to a mobile station (col. 3, lines 29-43). Thus, the combination of Wang in view of Mohebbi did not fail to address the limitation recited in claim 1. Examiner believes that the rejection addressed all the significant features in recited in claim 1.

Applicant also argues "Mohebbi et al. is silent with respect to selecting terminal devices connected to another network (different from the cellular network)". It is noted that applicant is reading into the claim language. The claimed feature of "another network" (different from the cellular network) is not recited anywhere in claim 1.

Examiner believes that other arguments are already addressed in the above rejection.



***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

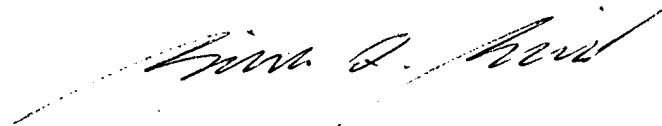
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Examiner**  
**Rasha S. Al-Aubaidi**  
**Art Unit 2642**  
**12/11/2005**

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

**BING Q. BUI**  
**PRIMARY EXAMINER**